

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TODD KREISLER,

Plaintiff,

Case No.: 10cv7592 (RJS)

Judge Richard J. Sullivan

-against-

SECOND AVENUE DINER CORP. d/b/a
PLAZA DINER, and J.J.N.K. CORP.,
Defendants.

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DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, and for the reasons set forth in the attached Memorandum, Defendants hereby move this Court for the entry of summary judgment.

As set forth more fully in the accompanying Memorandum of Law, at the close of extensive discovery in this matter there is no genuine dispute as to any material fact. Plaintiff has not shown an "injury in fact" and has not personally encountered the ADA violations he claims. In addition, Plaintiff has not met the burden of showing the readily achievable standard.

Defendants are therefore entitled to summary judgment on all of Plaintiffs claims.

Dated: August 21, 2011

Respectfully submitted,

s/ Paul Stamatelatos
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